

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES - GENERAL**

Case No.	CV-08-5900-CAS (PJWx)	Date	October 15, 2008
Title	Phaiwan Chaleumchai v. Natixis Real Estate Capital, Inc. et al.		

Present: The Honorable	CHRISTINA A. SNYDER
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CATHERINE JEANG

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS): ORDER TO SHOW CAUSE RE: WHY ACTION SHOULD NOT BE DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION

On September 9, 2008, plaintiff Phaiwan Chaleumchai filed the instant action against defendants Natixis Real Estate Capital, Inc.; Michael Zeff; and Does 1 to 10. Plaintiff alleges claims against defendants for (1) wrongful trustee sale; (2) deceit (intentional misrepresentation); (3) deceit (negligent misrepresentation); (4) intentional infliction of emotional distress; (5) fraud; (6) breach of contract; (7) quiet title; (8) abuse of process; and (9) civil conspiracy.

Plaintiff's complaint fails to establish a basis for federal subject matter jurisdiction. First, it does not appear that 28 U.S.C. § 1331 provides a proper basis for federal jurisdiction, because plaintiff's claims do not appear to arise under the Constitution or under federal law. Second, it is unclear whether 28 U.S.C. § 1332 provides a proper basis for federal jurisdiction. In order to establish diversity jurisdiction pursuant to 28 U.S.C. § 1332, plaintiff must demonstrate that plaintiff is a citizen of a different state than all defendants. While plaintiff does allege that defendants are a business entity doing business in San Diego, California, plaintiff does not allege their state of incorporation or their principal place of business, as required by 28 U.S.C. § 1332 (c)(1), nor does plaintiff allege plaintiff's citizenship. Therefore, complete diversity of citizenship cannot be established.

Plaintiff is hereby ORDERED TO SHOW CAUSE, on or before October 30, 2008, why the instant action should not be dismissed for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Initials of Preparer

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CMJ

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